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REMARKS

In response to the Office Action mailed on October 26, 2007, Applicants respectfully request reconsideration. Claims 1-6, 8-21 and 23-35 are now pending in this Application. Claims 1, 13, 16, 28 and 31-34 are independent claims and the remaining claims are dependent claims. In this Amendment, claims 13, 28, 32 and 34 have been amended, support for which can be found at page 32 of Applicants' Specification. Claims 1, 16, 31 and 33 have also been amended. In addition, claim 35 has been added, which is supported at page 22 of Applicants' Specification. Applicants believe that the claims as presented are in condition for allowance. A notice to this effect is respectfully requested.

I. Rejection of Claims under 35 U.S.C. 112

Claims 1-6 and 23-34 have been rejected under 35 U.S.C. **§112, ¶2**, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants' regard as the invention. Applicants' believe that the amendment to independent claims 1, 16, 31 and 33 is sufficient to overcome this rejection. Accordingly, withdrawal of the rejection is requested.

II. Rejection of Independent Claims 1, 16, 31 and 33 under 35 U.S.C. 103(a)

Independent claims 1, 16, 31 and 33 have been rejected under 35 U.S.C. **§103(a)** as being unpatentable over Oliviera (U.S. Pub. No. US 2004/0186904 A1) in view of Sayan et al. (U.S. P.G. Pub. No. US 2002/0169820 A1), hereinafter Sayan. However, in contrast with Sayan, Applicants' claim 1 teaches **receiving a...request from an agent that has an agent transaction to perform**, as recited claim 1. Claim 1 further recites, **during a non-available store condition, maintaining an agent wait table containing agent entries identifying store assignment requests associated with the agents**. Examiner concedes that Oliviera does not teach Applicants' step of **maintaining**.

As disclosed in Sayan, a pool master dispatches requests to a pool of pool agents (hereinafter “AG”), which process requests from client applications. When a client makes a request, the pool master will transmit the request to an AG for transaction processing. To do so, the client first issues a connection request with the pool master, which assigns one or more AGs with available resources to the client for transaction processing. The pool master creates AGs as required. When the client application terminates communication, the AG no longer receives requests from the client application, the AG closes communication and decrements the server counter of “live” connections. Thereupon the AG becomes idle due to not receiving any processing requests from the client application. If the AG remains idle for more than a predetermined period of time, then the AG times out and terminates. The server then recognizes that the AG has died. (See ¶¶036, ¶¶039, ¶¶041, ¶¶143)

As recited in Applicants’ claim 1, **agents send requests to perform transactions**. Thus, Sayan’s pool of AGs is not teaching Applicants’ step of **maintaining an agent wait table** because the AGs are for processing requests and not for **sending requests to perform transactions**. Rather, in Sayan, it is the client applications that are sending requests to the pool of AGs for transaction processing. (See ¶¶039) Moreover, since new AGs can be created as required even when there is no current AG with available resources (i.e. **a non-available condition**), there is no need for **maintaining a wait table containing entries identifying requests associated** with Sayan’s client applications. (See ¶¶143)

For the reasons stated above, Applicants submit that neither Oliveira nor Sayan, alone or in combination, teach or suggest Applicants’ independent claim 1. By virtue of their dependency on claim 1, neither Oliveira nor Sayan, alone or in combination, teach or suggest claims 2-6 and 8-12.

In addition, independent claims 16, 31 and 33 recite similar limitations as claim 1. Thus, neither Oliveira nor Sayan, alone or in combination, teach or suggest Applicants’

independent claims 16, 31 and 33. Also, by virtue of their dependency on claim 16, neither Oliviera nor Sayan, alone or in combination, teach or suggest claims 17-21 and 23-27.

Accordingly, withdrawal of the rejection under 35 U.S.C. §103(a) is requested. If the rejection is to be maintained, Applicants request that it be pointed out with particularity where the cited reference discloses the claim limitations as disputed above.

III. Rejection of Independent Claims 13, 28, 32 and 34 under 35 U.S.C. 103(a)

Independent claims 13, 28, 32 and 34 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Oliviera in view of Sayan. However, both references fail to teach the independent amended claim 13 limitation which recites: **queuing the agent transaction in an agent transaction queue if the new collective transaction weight is not within an acceptable collective transaction weight threshold where the agent transaction queue for the store process to hold at least one pending agent transaction yet to be processed by the store process.** In particular, contrary to Examiner's argument, ¶0026 of Oliviera is silent as to **queuing** tasks.

In Oliviera, processors may be capable of providing an alert when each processor has exhausted its processing capability. If a processor is incapable of handling additional processing tasks, then an alert may be sent to the controller. This notifies the controller to delegate any additionally processing tasks to other processors. (See ¶0027) Thus, tasks are not placed in a **queue for the exhausted processor**, where the **queue holds pending tasks yet to be processed by the exhausted processor**. Instead, Oliviera sends tasks to other processors with available resources. Additionally, as discussed above, Sayan does not **queue** requests from client applications since AGs can be created as required to handle new client requests for transaction processing. (See ¶143)

For the reasons stated above, Applicants submit that neither Oliviera nor Sayan, alone or in combination, teach or suggest Applicants' independent claim 13. By virtue of their dependency on claim 13, neither Oliviera nor Sayan, alone or in combination, teach or suggest claims 14-15.

In addition, independent claims 28, 32 and 34 recite similar limitations as claim 13. Thus, neither Oliviera nor Sayan, alone or in combination, teach or suggest Applicants' independent claims 28, 32 and 34. Also, by virtue of their dependency on claim 28, neither Oliviera nor Sayan, alone or in combination, teach or suggest claims 29-30.

Accordingly, withdrawal of the rejection under 35 U.S.C. §103(a) is requested. If the rejection is to be maintained, Applicants request that it be pointed out with particularity where the cited reference discloses the claim limitations as disputed above.

IV. Rejection of Dependent Claim 4 under 35 U.S.C. 103(a)

Claim 4 has been rejected under 35 U.S.C. **§103(a)** as being unpatentable over Oliviera and Sayan in view of Brenner et al. (U.S. Patent No. 6,658,449), hereinafter Brenner. Examiner concedes that both Oliviera and Sayan fail to recite the limitations of dependent claim 4. In order to make up for the deficiencies of Oliviera and Sayan, Examiner cites Brenner as teaching such limitations. However, Brenner fails as a reference as well.

Specifically, claim 4 teaches **identifying an agent entry in the agent wait table as a starving agent entry if a wait time for an agent identified in an agent entry in the agent wait table exceeds an agent wait threshold**. As recited in claim 4, each agent has its own **agent wait threshold**. In contradistinction, Brenner does not disclose threads having their own specific **wait thresholds**, or "thread wait thresholds." Rather, Brenner scans a queue to find threads pending for greater than a threshold time amount, for example, greater than 1.5 seconds. (See Col. 8, Lines 14-16). Hence,

Brenner does not scan the queue to find a thread that has been pending to the extent that it has elapsed its own specific “thread wait threshold” time. Instead, Brenner is comparing all pending threads in the queue to a global **wait threshold**.

For the reasons stated above, Applicants submit that neither Oliviera, Sayan, nor Brenner, alone or in combination, teach or suggest Applicants’ dependent claim 4. By virtue of their dependency on claim 4, the cited references, alone or in combination, fail to teach or suggest claims 5-6.

In addition, dependent claim 19 recites similar limitations as claim 4. Thus, neither Oliviera, Sayan, nor Brenner, alone or in combination, teach or suggest Applicants’ dependent claim 19. Also, by virtue of their dependency on claim 19, the cited references, alone or in combination, fail to teach or suggest claims 20-21.

Accordingly, withdrawal of the rejection under 35 U.S.C. §103(a) is requested. If the rejection is to be maintained, Applicants request that it be pointed out with particularity where the cited reference discloses the claim limitations as disputed above.

V. Rejection of Claims 10-11 and 25-26 under 35 U.S.C. 103(a)

Claims 10-11 and 25-26 have been rejected under 35 U.S.C. **§103(a)** as being unpatentable over Oliviera and Sayan in view of Hejna, Jr. et al. (U.S. Patent No. 5,287,508), hereinafter Hejna.

As a tertiary reference, Hejna fails to make up for the aforementioned deficiencies of both Oliviera and Sayan. Thus, the cited references, alone or in combination, fail teach or suggest Applicants’ independent claims 1, 13, 16, 28 and 31-34. By virtue of their respective dependency on claims 1 and 16, the cited references, alone or in combination, also fail to teach or suggest dependent claims 10-11 and 25-26. Accordingly, withdrawal of the rejection under 35 U.S.C. §103(a) is requested.

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Applicant(s) hereby petition(s) for any extension of time which is required to maintain the pendency of this case. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 50-3735.

If the enclosed papers or fees are considered incomplete, the Patent Office is respectfully requested to contact the undersigned collect at (508) 616-9660, in Westborough, Massachusetts.

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